

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

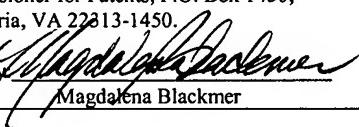
In re Application of) Group Art Unit: Not Yet Assigned
)
PATERNOSTER, et al.) Examiner: Not Yet Assigned
)
Application No.: 10/511,421)
)
International Filing Date: October 28, 2002) **INFORMATION DISCLOSURE**
Priority Date: October 26, 2001)
)
For: **USE OF THERMOREGULATORY**)
MATERIAL TO IMPROVE EXERCISE)
PERFORMANCE)
)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that the correspondence enclosed herein is being deposited as first class mail with the United States Postal Service on this date January 24, 2006, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 24, 2006 By


Magdalena Blackmer

Dear Sir:

Applicant submits herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which he is aware, pursuant to his duty to disclose in accordance with 37 C.F.R. § 1.56.

This Information Disclosure Statement , as far as is known to the undersigned, is filed before the mailing date of the first Office Action on the merits.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified). A copy of each of the items listed on form PTO-1449 is supplied herewith. However, despite an exhaustive search over the past 6 months, copies of the following two references could not be located:

1. "Mack et al. (1996)" cited in Kentrou, Panagiota N., Mike Chivers, and Greig Inglis, *Thermoregulatory Effects of DriWater During Exercise in the Heat*, Faculty of Applied Health Sciences, Brock University (2001), Paragraph 4; and
2. "Klentrou, P., W. Montelpare, and B. Faught, *Exercise Physiology: Laboratory Manual*, Brock University, Department of Applied Health Sciences (2000)" cited in Inglis, J. Greig, Mike Doucet, and Panagiota Klentrou, *DriWater Report*, Brock

University, Department of Physical Education and Kinesiology, Faculty of Applied Health Sciences (2002).

A concise explanation of relevance of the items listed on PTO-1449 is not given. The Examiner is reminded that a "concise explanation of the relevance" of the submitted prior art "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists. Furthermore, pursuant to 37 C.F.R. § 197(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in this statement is, or is considered to be, material to patentability, as defined in 1.56(b). It is submitted that the Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment to our Deposit Account No. 04-0822.

Respectfully submitted,

DERGOSITS & NOAH LLP

Dated: January 24, 2006

By:



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* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Rev. 7-80)		U.S. Dept. of Commerce Patent and Trademark Office		Atty. Docket No. 298.41	Appl. No. 10/511,421		
LIST OF REFERENCES CITED BY APPLICANT				Applicant: PATERNOSTER, ET AL.			
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U.S. PATENT DOCUMENTS							
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OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
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	B0	2002	Inglis, J. Greig, Mike Doucet, and Panagiota Klentrou. DriWater Report. Brock University, Department of Physical Education and Kinesiology, Faculty of Applied Health Sciences. Pages 1 - 25.				
	B1	1997	Armstrong, Lawrence E., Carl M. Maresh, Catherine V. Gabaree, Jay R. Hoffman, Stavros A. Kavouras, Robert W. Kenefick, John W. Castellani, and Lynn E. Ahlquist. Thermal and circulatory responses during exercise: effects of hypohydration, dehydration, and water intake. <i>J Appl Physiol</i> , 82: 2028 - 2035.				
	B2	1999	Cochrane, Darryl J., Gordon G. Sleivert. Do changes of heat and humidity influence thermoregulation and endurance performance? <i>J Sci Med Sport</i> , 2: 322 - 332				
	B3	1999	Crandall, C. G., B. D. Levine, and R. A. Etzel. Effect of increasing central venous pressure during passive heating on skin blood flow. <i>J Appl Physiol</i> , 86: 605 - 610.				
	B4	1974	Dill D.B., and Costill D.L. Calculation of percentage changes in volumes of blood, plasma, and red cells in dehydration. <i>J Appl Physiol</i> , 37: 247 - 248.				
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	B6	2000	Gonzalez-Alonso, Jose, Ricardo Mora-Rodriguez, and Edward F. Coyle. Stroke volume during exercise: interaction of environment and hydration. <i>Am. J Physiol Heart Circ. Physiol.</i> , 278:H321 - H330.				
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	B10	1978	Jackson, A.S. & Pollock, M.L. Generalized equations for predicting body density in men. <i>Br J Nutr</i> , 40:497-504.				
	B11	1996	Johnson, John J., and Duane W. Proppe. Cardiovascular adjustments to heat stress. In: <i>Handbook of Physiology Environmental Physiology</i> , <i>Am J. Physiol</i> , sect. 4, vol I, pt II, chapt. 11, p. 215-243.				
	B12	2000	Klentrou, P., Montelpare, W., and Faught, B., <i>Exercise Physiology: Laboratory Manual</i> . Brock University, Department of Applied Health Sciences.				
	B13	1991	Kraning, Kenneth K., and Richard R. Gonzalez. Physiological consequences of intermittent exercise during compensable and uncompensable heat stress. <i>J Appl Physiol</i> , 71:2138 - 2145.				
	B14	1998	Latzka, William A., Michael N. Sawka, Scott J. Montain, Gary S. Skrinar, Roger A. Fielding, Ralph P. Matott, and Kent B. Pandolf. Hyperhydration: tolerance and cardiovascular effects during uncompensable exercise-heat stress. <i>J Appl Physiol</i> , 84:1858 - 1864.				
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USCOMM-DC 80-3985

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	C3	1998	Cheung, Stephen S., and Tom M. McLellan. Influence of hydration status and fluid replacement on heat tolerance while wearing NBC protective clothing. <i>Eur J Appl Physiol</i> , 77:139 - 148.				
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	C17	1966	Mack, Robert M., John R. Hartmann, and Lester R. Sauvage. Iliofemoral venous thrombectomy in a child with a coagulation abnormality. <i>J Pediatr</i> , 68:374 - 380.				
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	C38	1991	Montain, Scott J., and Edward F. Coyle. Influence of graded dehydration on hyperthermia and cardiovascular drift during exercise. <i>J Appl Physiol</i> , 78:1340 – 1350.			
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	C46	2001	Montain, Scott J., Michael N. Sawka, and C. Bruce Wenger. Hyponatremia associated with exercise: risk factors and pathogenesis. <i>Exerc Sport Sci Rev</i> , 29:113 – 117.				
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	C65	1985	Noakes, Timothy D., Neil Goodwin, Brian L. Rayner, Trevor Branken, and Robert K. N. Taylor. Water intoxication: a possible complication during endurance exercise. <i>Med Sci Sports Exerci</i> , 17:370 – 375.				
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